



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Dept. of Labor & Industries

Subject of possible rule making:

WAC 296-20-03002 Treatment not authorized

WAC 296-20-03014 Which drugs have specific limitations

Statutes authorizing the agency to adopt rules on this subject: RCW 51.04.020, RCW 51.04.030

Reasons why rules on this subject may be needed and what they might accomplish

The decision in *Roller v. Department of Labor and Industries*, 128 Wash. App. 922, 117 P.3d 385 (2005) stated that it was not clear that intrathecal pumps were noncovered health care treatments. This rule will make it clear that the department and self-insured will not pay for intrathecal pumps and the medications administered via intrathecal pumps. The anticipated effect would be safer and more efficacious treatment.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Washington workers' compensation benefits as well as the benefits paid to victims of crimes are both governed by Title 51 RCW, Washington's Industrial Insurance Act. There are no other state or federal agencies responsible for interpreting and enforcing the provisions of this Act.

Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other Parties interested in participating in the development of these rules may contact the person listed below.

The public may also participate by providing written comments during the comment period or giving oral testimony at public hearings. The rule will be developed in consultation with major stakeholders and the following interested parties:

Workers' Compensation Advisory Committee.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Phone: (360) 902-4941 or FAX: (360) 902-6315 or Mail: Dept. of Labor & Industries
Office of the Medical Director
PO Box 44321

Please contact to Jami Lifka via phone, fax, or mail Olympia, WA 98504-4321

DATE June 20, 2006	CODE REVISER USE ONLY WSR# 06-13-084
NAME (TYPE OR PRINT) Gary K. Weeks	
SIGNATURE	
TITLE Director	